

Jaguar Conservation Team Summary Notes
Baxter Civic Center, Lordsburg, New Mexico
July 30, 1997

Introduction

Meeting called to order by Terry Johnson, Arizona Game & Fish Department, at 10:08 a.m. Terry welcomed everyone and went around the room asking people to identify who they are and any organization or affiliation they were representing. Last page of these notes is the attendance roster. Ted Hagen was thanked for making the meeting arrangements. The meeting progressed to item A on the agenda.

A. Opening comments and ground rules

Basic ground rules were the same as the first meeting. If someone had a question, they were asked to raise their hand to ask their question or state an opinion. This would allow each person to be heard and keep the meeting moving through the agenda.

Sign-in sheets were circulated. People were asked to sign in if they were not on the jaguar mailing list or if there had been a change of address. Phone numbers were not necessary.

At 11:45 we will take a census to see if we should break for lunch or continue.

Packets of information were handed out. There were only 50 copies available and attendance was approximately 65. People were asked to share copies.

Jaguar Conservation Team (JAGCT) representatives were asked to raise their hand to identify themselves. Arizona State Department of Agriculture was be present but had submitted material for their presentation. Terry presented their report on depredation fund handling. In addition, the New Mexico State Department of Agriculture and representatives from Pima and Santa Cruz were not present.

Terry explained he would try to keep things moving and focused on issues as they are on the agenda. Additional items would be added to the agenda as necessary. Terry explained to the group that he saw himself as the facilitator and he was there to let them know when progress was being made or when it was not. He was not there to be an advocate for any one particular position. His intention was to make this a very open and constructive meeting and move right on through the agenda.

There were no further comments or questions, we moved on to Item B.

B. Agenda Review/Additional Discussion Points

Terry read through the agenda and gave a brief explanation on each item.

Participants were asked to share copies of the distributed packets, but if someone wanted a copy of the packets, they were asked to give their name to Tammy Pike (AGFD) and she would send them a copy.

Terry asked for other items to be added to the agenda. Items added to the Other Business portion of the agenda:

1. Question on meetings held in March 1996 and June 1997 concerning jaguar.
2. Introduction of researchers working or proposing to work on jaguars in Mexico.
3. Date in October for next meeting.
4. Formation of the Education Committee.

There were no further comments or questions, we moved on to Item C.

C. Discussion of summary notes from first JAGCT meeting

A brief discussion of summary notes from first JAGCT meeting took place. We are not taking verbatim notes at meetings. The information transcribed from these meetings are summaries of discussions. Not every discussion would be transcribed. Notes from the first meeting were sent to everyone on the Jaguar mailing list.

There were no further comments or questions, we moved onto Item D.

D. Current status of litigation and federal listing

The final rule listing the jaguar as endangered was distributed with the meeting packet. Terry asked if there were any questions on the history/background of the listing. Bill Austin and Steve Spangle of U.S. Fish and Wildlife Service (USFWS or Service) are both present to assist with answering questions.

Question (Judy Keeler, Bootheel Association): As she understood it, there would be no critical habitat designated for the jaguar? Is this correct?

Response (Steve Spangle, USFWS): Because we do not know the area the jaguar currently occupies, may occupy, or what is needed the Service has come out very strongly against listing critical habitat, unlike the southwestern willow flycatcher. In 20 some odd years of working with critical habitat, we have seen very, very little benefit provided to the species by designating critical habitat, both in the cost of the economic analysis and litigation involved in it. We figured we could get protection under the Endangered Species Act (ESA) for 10 species for every time we designate critical habitat. A lot of times it's just not worth it. Of course in many cases, we have gone by what the law says and it says you will list critical habitat except in very narrow circumstances. We believe the cost associated with it and the incremental benefit of both listing the jaguar and what critical habitat provides to the species just doesn't make it worth it. For those two reasons we have no intentions of listing critical

habitat.

Question (Judy): Does critical habitat exist here in the United States?

Response (Steve): We have habitat that is at least sometimes occupied by jaguars. Critical habitat according to the ESA, we don't know, but important habitat yes. The Service does not feel that listing critical habitat should be done at the time of listing. At the time of listing, several factors are not known so listing critical habitat is not practical.

Comment (Terry): One thing to throw out in addition to that, in announcing the Service's decision on the critical habitat for the willow flycatcher the solicitor for the Service issued several extensive quotes in the press release indicating exactly what Steve has said. The Service is questioning the value of critical habitat designation and I think you can look at that as a very clear signal that as we get into reauthorizing the ESA, the Service will be advocating that if critical habitat remains it needs to be restructured to make it more effective in the conservation needs of the species. Critical habitat is the most misunderstood, most often misrepresented aspect of the ESA. I just received a copy of the Service's news release will include it in the next package to the entire jaguar mailing list.

Question: There was a comment made when the listing announcement was published, that the USFWS did not intend to recover the jaguar. Is that accurate?

Response (Steve): That is not accurate. There were several incorrect quotes within our press release. I do not know where they came from.

Comment: It was attributed to Jeff Humphries.

Response (Steve): I don't know that Jeff said that, you would have to talk to Jeff. Our news release didn't say anything about not recovering the species. People must remember that not everything printed in the paper is accurate, people make mistakes.

Comment (Terry): There has been a fair amount of misrepresentation. One of the things I've heard is that there have been three jaguars killed in Arizona since 1980. I assume that is some sort of an honest writing or editorial mistake confusing a couple of animals from Mexico with the one animal taken out of the Dos Cabezas, Mountains. There will be inaccuracies, we are all going to have to deal with them.

Comment (Steve): I would like to add one thing about critical habitat and reauthorization of the ESA. There is a bill in congress that will take critical habitat and put it under recovery. Critical habitat would only be designated if the recovery team and the Service agree that it is necessary. Those of us that have worked with the Act for a number of years have generally agreed that critical habitat designation does not help anything. Sometimes it causes more problems. Right now the recovery planning process takes about two years to complete, and is supposed to tell you what you need for the species. By designating critical habitat first the cart is put before the horse. With the southwestern willow flycatcher, the Service was just coming out and stating its position. Many of us have felt that way for many years.

Question (Jim Tenney) The Service is saying a minimum of 64 jaguars have been killed in Arizona since 1900. Where is that number from?

Response (Bill Austin): I think that was from the literature. I can't cite the particular source.

Comment (Terry): It is from Dave Brown's report that was published in the Southwest Naturalist.

Comment and question (Jim): The main point I want to get at, and the BLM is here too, is that all the grazing permits in our area over there have shown that they have jaguar habitat. Is the Service involved with BLM in making that decision or who makes it?

Comment and question (Les Thompson, Cochise County): I received a copy from the BLM on Cochise County saying that all permittee holders are going to be impacted. How are we going to be impacted? It said eight would be impacted by the willow flycatcher and every permittee in Cochise County was going to be impacted in some way or another by the jaguar.

Comment (Terry): I think it is very important for us to define some of the terms we are using. The consultation process has been going on since the species was proposed and now that it is listed that same consultation process is going to continue. There is a difference between a landowner or lessee being identified as having potential jaguar habitat and actually saying there is going to be an impact on the activities on that property. There remains to be an evaluation of the consultation. It doesn't necessarily mean there is going to be an impact on those activities. We have people from the Service and BLM here, could some one directly address the question here?

Response (Steve): On page 39156 of the rule, the discussion of what activities are likely and not likely to violate Section 9 of the Endangered Species Act occur. Included under the section which lists activities that are not likely to result in a Section 9 violation is normal ranching activities except predator control targeting large cats that may result in inadvertent trapping or mortality of a jaguar. Standard ranching activities should not be affected.

Comment (Les) Why is that wording delineated from BLM's point of view? Response (Lynn Saline, BLM): When we consulted with the Service, they came out with a draft biological opinion before the final listing rule. There is a difference between the two. In the draft biological opinion, they said anything that might impact the jaguar would be unacceptable, which included some ranching activities and hunting of any kind of cat with dogs. The final rule says something different. Our initial interpretation for ranchers who might want to hunt cats with dogs and would be, no, you can't do that because of the biological opinion. But that is a draft, it may change in the final.

Comment (Terry): Good, now you guys can comment, and ask for changes, back through the BLM basing your comments on the final rule.

Response (Lynn): Safford District BLM works very well with its local community.

Question (Don Cullum): I have a question on the critical habitat. We have talked about the critical habitat for the willow flycatcher and for the jaguar. Can the critical habitat for the jaguar be its prey species like the javelina, the deer? Could that be considered critical habitat at some time by the Fish and Wildlife Service?

Response (Steve): I have never seen prey species identified as critical habitat. I have seen habitat that supports the prey species identified as critical habitat but not the species itself.

Comment (Terry): The Act itself calls for designation of critical habitat as a geographic area that is within its local range that may or may not be occupied. But not the prey species itself. But again willow flycatcher has listed critical habitat, the jaguar does not have critical habitat in the final ruling that was published. That is not to say that somebody might not litigate to have critical habitat designated. But at this point the Service has no intention of proposing critical habitat. There is no critical habitat proposed.

Question (Sue Krentz): Were any of you at the court hearing when the petition began on listing the jaguar or did you present any information on our conservation agreement at all?

Response (Terry): We took the jaguar issue to our commission at a meeting (June) in Kingman basically to look at a couple of things. One being the listing proposal itself and the other was to look at the Department's legal authorities for criminal and civil penalties for the take of jaguar. At the commission meeting, the commission authorized the Department to file a friend of the court brief that would allow us to oppose Judge Strand's decision to have the Service list the jaguar. As we were preparing our brief, Judge Strand amended his agreement, which may not be the legal term, but he certainly issued some clarification which said that the Service was only under an obligation to reach a decision within the 120 day period. Not to list or not to list, but to just make a decision. So at that point we did not file our briefing because the specific question we were going to address was moot. The announcement that the listing decision itself was made through the Federal Register not through a court hearing. There was no court hearing to attend on that issue.

Comment (Steve): The matter before the court was the Service's failure to make a final decision on whether to list the jaguar. When the court came out with the order saying we will list the jaguar it involved four other species as well. It was our solicitor's opinion that the court cannot tell us what decision to make. We then went back to the court and asked for clarification and the judge said that indeed he erred in telling us what decision to make and they would correct it. The actual substance of the listing was not made by the court. There are probably a lot of people out there who think the court ordered the Service to make this decision but indeed they did originally but then they nullified that ruling and allowed the Service to make their own decision. That doesn't mean the court hasn't been involved in listing the jaguar. In order to work with folks, we tried conservation agreements with numerous species instead of listing. Almost invariably the courts struck them down. Conservation agreements do not have the force of law and are not valid reasons for not listing. So, I can't speak for Nancy Kaufman, my boss, but I think given the case histories and philosophies throughout the country, Nancy didn't feel it was appropriate to use the Conservation Agreement as a basis for not listing the jaguar.

Question (Terry): Steve, what conservation agreements, other than the Barton Springs salamander in this region, have been set aside by the courts? Response (Steve): In this region all I know is the salamander.

Question (Terry): What about in Region 1? Response (Steve): We got bull trout, wolf, goshawk and

I believe there are others but I can't think of them off hand. The fact is the conservation agreement in lieu of listing just has not prevailed nationwide.

Question (Terry): In each of those findings was it the court's decision that the conservation agreement was not sufficient or that it was not in place long enough to show the effect? Response (Steve): In the majority of the cases, in fact the four we talked about, the courts opinion said that because it doesn't have the force of law, because the agreements were entered into voluntarily, they did not adequately address all the needs of the species. Only in the case of the Barton Springs salamander, as far as I know, the issue of not being tested was identified. We can't base the decision to not list on something that hasn't been in place. Even to go far as to say it must be in place two years, where did the two years come from? In the case of the Barton Springs salamander I have no question in my mind that we got by far the best for the species with a conservation agreement. We got as much or more than we could ever get from listing. Probably more because the Salamander is on private land and the Service can't regulate water in the Central Texas Aquifer. States that have the authority to do that agreed to do so. The judge didn't find that out in time so it was listed.

Question (Terry): That decision has not yet been appealed?

Response (Steve): That is correct and I don't believe it will be.

Question (Jim Tenney): It was just pointed out to me on page 39156 number 4 if when using dogs to tree mountain lions, a jaguar is inadvertently chased and/or treed by the dogs, so long as the dogs are called off upon realization that a jaguar is being chased. The following activities would likely violate section 9 of the Act.

Response (Terry): The second sentence begins a new section. Anything before that are activities that can occur without violating Section 9.

Question (Bill McDonald) I don't think personally the fact it's been listed is going to make a big difference in my life if it stays as it is because I am not a poacher me. Critical habitat is a whole different story. I think that is what we're all concerned about and if in fact there is litigation to force critical habitat, is the Service going to say they are ready to fight against that designation in court?

Response (Steve): I would say we would resist that strenuously, yes.

Question (Bill McDonald): If that is the case it would seem to me that you're on a little bit of weak ground with the reasons that you have given for not designating it at this time. We would be on stronger ground if we could emphatically say that there is no critical habitat down here. Recently, Alan Rabinowitz a big cat expert and an expert on jaguars, did a preliminary study stating there was no critical habitat in the United States for jaguars. The critical habitat that makes the difference between jaguars existing here or not is down in Mexico. Is the Service going to move in the direction of trying to establish that there is not critical habitat so you'll have a strong case when you go to court?

Response (Steve): I think we have a strong case. First of all don't think we'll go to court. We have never been sued to designate critical habitat. I don't know that anybody that feels that critical habitat

is necessary. There are two considerations when deciding whether critical habitat is wise and determinable. If you don't have enough information about the species where it is or what it needs, it is not determinable. The way the law reads now it gives you a year to determine. I think Dr. Valdez can speak to how long it would take to figure out what the jaguar needs in the U.S. That brings me to the next question you asked, is it prudent. There are two factors to decide if it is prudent. First of all would critical habitat benefit the species. We would argue this area. The second question is would designation of critical habitat lead to further presence of the species for example would it lead to vandalism or collection. Would publication of critical habitat due them more harm than good? I think that for jaguar the majority of the species is threatened by shooting. Critical habitat would due more harm than good. So I guess the short answer is I think we have a strong case for not designating critical habitat. The stuff I spoke about earlier about cost and benefit of critical habitat really isn't relevant. The way the law is written the courts have said you will list critical habitat and we often propose to do so. In the case of the jaguar, I can't think of anyone out there who thinks that critical habitat promotes the species.

Question (Mira Gault): Now that the jaguar is listed, will the Conservation Agreement become the Recovery Plan? Will it just become data collection forum?

Response (Terry): There is a relationship between the listing and the Conservation Agreement. At various points along the way since January we have identified in public meetings and in material we have disseminated that we didn't know what the Service's decision on final listing would be. That decision could be to list the jaguar or not to list the jaguar. The Conservation Agreement exists in isolation from the listing decision. There is nothing that precludes the Service from signing the Conservation Agreement and continuing to use that as the Service has said it intends to do, including in the listing package, as a template for management or recovery efforts of the jaguar north of the border. Actually it goes a little farther than that to imply that it is going to be used for those efforts in Mexico as well. The Conservation Agreement will exist as long as signatories to the agreement continue to work within this forum. That's the commitment the two state wildlife agencies have made. We will use the information that is generated here throughout this conservation team effort, to guide the decisions that are made by the various federal land management agencies, state wildlife agencies, other state agencies involved in this. So the Conservation Team as the implementation tool for the Conservation Agreement will exist as long as there are willing partners in it. At the point at which the Conservation Agreement and the Team cannot exist, if sufficient members of signatories drop from it or public partnership diminishes to the point at which it is not effective, then the primary signatories or cooperators may choose themselves to drop from the effort and simply live with the jaguar as a listed species. In a sense what you are looking for right now is answers to questions that will be forthcoming over the next couple of years. We do know from letters that Nancy Kaufman has sent down and from the listing package itself they intend to use this as a template. We know the listing package identifies that a recovery plan may be or will be developed for the jaguar. We don't know the extent to which a recovery plan will use the Conservation Agreement information. However, we can expect that they will use this information extensively because we can see that the listing package itself has in it language that is taken from the things we have generated over the last few months. So we actually are already using this approach to guide how the Service will manage the jaguar under a listing scenario. But this is pretty new ground. I am not aware of any similar situation anywhere, so there are certainly some unknowns.

Question (Craig Miller, Defenders): Will the Conservation Agreement be used as a template for a habitat conservation plan? An HCP was mentioned in previous meetings.

Response (Terry): The information in the conservation assessment and strategy certainly could be used to develop an adequate conservation plan for the jaguar. But a habitat conservation plan is not something that is on the table at this point. It is not something we need to discuss as a committee. This committee has only met once. The meetings you are referring to were the public meetings on the development of the conservation assessment and strategy. Yes, a habitat conservation plan is a legitimate mechanism for ensuring conservation activities under the act of listed species. That is something we could get into eventually but not at this point.

Comment (Steve Spangle): The object of a habitat conservation plan under the Act is for the purpose of allowing take. I don't see that in this case. I don't see that as something we would want to pursue.

Question (Don Cullum): I'm not clear on this Conservation Agreement. A lot of things in it protect our private property rights, which I thought was good. It is getting real clear to me now that maybe we are not going to have this protection if the courts or a letter from the Service says we are not going to work with the people. I've been on a lot of these things before and they work real well when a lot of people are involved in making decisions. Then along comes an order from Washington or somewhere else that says no we are going to do it our way. Then the whole thing falls apart, all the work we've done, all the effort is a waste. Is this something that could happen to this crew here? Did I hear you say this Conservation Agreement may not be a template or map?

Response (Terry): My response would be that it is a difference between could and will. The court can order what it will, we've said that consistently all through this process. That depends on what issues are brought and by whom and how they are structured. As far as the courts are concerned, that's a different world, they can direct anything that they choose to direct, subject to appeal. As far as Washington itself, I think the Service has said very clearly in the final rule that this Conservation Agreement will be the template for how it conducts business with the jaguar. Until it seriously departs from that template I'm not going to be too concerned with that. I'm going to deal with that process when it comes to that. However, there is quirk involved with the plan. After three or four months, we still do not have a Service signature on the Conservation Agreement. What has to happen next is for the Service to sign the agreement, which would allay some of your concerns, or send us a letter that says here are the parts of the agreement at this point that either need to be revised or are unacceptable or whatever. At that point we can get into a serious discussion of exactly what the ground rules are. I have already spoken to Steve Spangle about this issue. I asked him to have Nancy Kaufman send us a very specific letter telling us which parts is acceptable. In particular, the definition of take, as described in the conservation agreement and the final rule. I know the definition of take has been of real concern to everyone. We need to know from the Service is the conservation agreement's definition of take acceptable, if not what is, and what will the Service do to reach a decision on the similarity of appearance issue. Overall we need to know what parts of the assessment strategy, especially the Conservation Agreement, is the Service not comfortable with at this point. That is, if they are not comfortable with it at this point. The question needs to be answered in writing under the regional director's signature, not by the staff. I will send them a letter on behalf of the Conservation Team to ask for that.

Comment to Service (Don): When this first started, you asked for our help. We said fine, we're out

there pumping water for the jaguar. We're going to help you, I want that message conveyed to the Service. That's why we're here, we're here to help you. We're not here to fight with the Service. We are the only ones with anything to lose economically in this thing, the landowners, farmers, ranchers and agriculturists. We're here to help and they need to tell us if they want our help.

Response (Terry): What I can do is draft a letter and send it around to the Conservation Team members and have them read it and send it out in the next 30 days to make that point very clear. If there is support for that kind of action. It needs to happen. The Service needs to tell us whether they are going to sign the agreement.

Question (Don): Standard procedure is to do it two ways: either through court or sit down and we work together. Which way do they want to go?

Comment (Terry): One other issue that has come up here, is the subject of where the Service stands on critical habitat designation. The AGFD had an internal discussion on this issue. I can't tell you what the commission position would be because we haven't posed that to them. I can tell you that the staff recommendation would be to oppose designation of critical habitat. We do not believe, based on all the information and Alan Rabinowitz's report, that critical habitat exists in the United States. That is an agency (AGFD) position that is not a reflection of any of the other Conservation Team members. Of course the commission may choose to accept this position or not. But that is where we are.

Question (Les Thompson): Item #4, of the section that describes take includes predator control activities targeting large cats that trap, kill, or otherwise injure jaguars. How will this hamstring ADC, how will property owners be affected in not being able to do this? I wonder if ADC or someone could address this?

Response (Steve Fairaizl, ADC): We asked that same question of our lawyers back in Washington and the word we got back from them is that it would not affect us at all. That sort of language is directed toward the intent of capturing jaguars. I know of no intentions to capture jaguars in the state. Certainly if there are known jaguars in the area we expect everyone to take precautions to prevent impact on jaguars.

Comment (Terry): Through the conservation team we are already working with ADC to minimize the kind of activities that would possibly take a jaguar. An example is trap sizes in jaguar areas. We have already begun addressing that issue and the Service can see that as a reduced threat. I would like to take a moment to let Greg Schmitt address NMDGF's stance on critical habitat.

Response (Greg): Basically our position on critical habitat is very similar to Arizona. We haven't gone to the Commission with that topic. We are certainly very comfortable with a no critical habitat designation.

Question (Don Cullum): Of the Biological Opinion dated July 14, which was before the Service's final rule, predator control activities associated with livestock grazing including those conducted by ADC or the permittee and authorized by BLM, would be on BLM land, shall require identification of the target animal species before control activities. This includes tracking of an animal with dogs.

Normally that is not the case, you find a track and put a dog on it and you don't really know you are tracking. I don't know anyone that would know the difference between a mountain lion and a jaguar track. So what you are saying is you have to know for sure what the species is before you put a dog on it? Who identifies and to whom? You have a situation out there where a guy comes upon tracks, who does he identify it to, BLM, USFWS, who?

Response (Terry): This is a question that needs to be clarified by BLM. Since this is a draft opinion, the response back to BLM maybe would be to have them clarify their position.

Comment (Bill Merhege, BLM): Conference opinions are issued when we have a proposed listed species and are not binding. We were asked to develop a biological opinion for inadvertent take before the listing. It is a draft and we will probably amend that decision.

Question (Judy Keeler): Who gets a copy of the draft biological opinion and how? Response (Bill): It is provided to the agency. The agency provides it to those they deem should have it. Normally we make those available to anyone who is affected. We don't just make them available to anybody that wants to come in and get them.

Question (Wendy Glenn): Is this just the Safford District?

Response (BLM): This is just the Safford. This biological opinion has been going on for two years. We just got the draft opinion from the USFWS. We have done over 20 areas now. All in the Safford District.

Question (Mira Gault): We are here because we want to help. I just received a letter from the Southwest Center. What do they call the road to recovery, what do they want, are they part of the team, are they going to go ahead and sue Fish and Wildlife? What are they going to do?

Response (Terry): There are several questions and thoughts in there. First of all, the Southwest Center for Biological Diversity is not a member of the Conservation Team. The Conservation Team is restricted to the government agencies that have land holdings or another vested interest in the area down here. The Southwest Center for Biological Diversity is welcome to be a member of the jaguar working group just as any individual or organization is welcome to be a member of that group. Questions about the listing itself or the agreement itself, the Service has told us that it feels the legal mandate is to list and it will work with any and all interested and affected parties under the Act itself. At the same time it has told us that the conservation agreement is going to be a template for those actions and interactions. So it wants to work with us under that guise, at least according to the rule itself. What is absent is a specific response from the Service that says here are the parts of the agreement that are acceptable to us and here are the parts that are not if any and to do that under the signature of the Regional Director. So questions about how the Service is going to interact with us are still difficult to answer at this point, pending a response from the Service on that issue. I am going to draft a letter to ask specifically for answers. But the Southwest Center itself, questions about the Southwest Center itself, its agenda, you'll have to ask them. You're a friend of the Southwest Center, you need to respond to them and explain that. If there is a member of the Southwest Center that wants to respond, they can.

There were no further comments or questions, we moved on to Item E.1.

E.1. Compilation of Jaguar Bibliography

Bill Van Pelt reviewed the bibliography with the group. Information was gathered from the state universities and everybody had access to the references. However, due to copyright laws, AGFD would not copy papers and send out.

There were no further comments or questions, we moved on to Item E.2.

E.2. Contacting experts for Scientific Advisory Group

Terry contacted four individuals to be members of the Advisory Committee. The four were Brian Miller, the person carrying on jaguar work Jalisco, Mexico; Alan Rabinowitz, the prime mover behind establishing the world's first jaguar preserve in Belize; Michael Tewes who is a member of the Endangered Cats of the Southwest Recovery team and is working with jaguars, ocelots and jaguarundis; and Howard Quigley who has been working in South America on jaguars and has written conservation plans. Terry will be seeking resumes for committee review. Terry asked people to send him names of other people who may want to sit on the Advisory Group.

Question (Judy Keeler): What about the literature review, do you have someone for that?

Response (Terry): Yes we do. The literature that is down on the bibliography are generally already peer reviewed. Those that aren't, we will be asking the Scientific Advisory Group to give their opinions on that material. We do have people within AGFD that could assist.

Comment (Don Cullum): New Mexico State University has a fine wildlife department. I was wondering if it was possible if they could have some involvement in accessing some material or being able to assist with site work. The jaguar is going to be around for awhile and it would be nice to have some of these experts you are going to have here rub off on some of our people here in New Mexico.

Response (Terry): Good point and something I missed. Actually three individuals and now four, with Raul Valdez, have volunteered to work with us as scientific advisors and I apologize for the fact that I missed them. Kenny Logan is not here? The Hornocker Institute has also offered his services so we will be able to bring those folks in. We have not had anyone from the University of Arizona or ASU step forward on that, but they may come forward as well. I neglected to mention New Mexico State University. We will have those names available to us and there are other individuals and again they just need to identify themselves.

There were no further comments or questions, we moved on to Item E.3.

E.3. Ranking system for jaguar sightings

Bill Van Pelt explained what material was used in developing the ranking system and went over the sighting forms.

Comment (Wendy Glenn): One thing on this recent jaguar report you have (from the Patagonia

Mountains, in Arizona), the lady did report this to the Forest Service and they didn't go any farther with it. So anybody that's here with an agency and receives a report, it's really important that it immediately goes to the respective department that will handle it. We got the report a week after she saw the jaguar and we turned it over to AGFD. A week is too long. And she had talked to Forest Service people immediately. So I am just asking that people here, if you hear something get it to these guys right away. It works both ways; if it's not a jaguar, we really need to know.

Comment (Bill): As far as comments, there are various people assigned to these tasks. You need to send your comments to the leads on that particular committee or subcommittee. For example, Steve Fairaizl is going to be giving a discussion on risk assessments and all the comments on risk assessments should go to Steve. Mike Pruss is doing one on handling protocol. Send comments to him on that topic. If you don't have everyone address come up and see us and we'll make sure you have the addresses for comments.

Comment (Terry): I'd like to make one other thing clear now because it's going to come up, I think, with some of the tasks we're working on. Our assumption is that those that are interested in this issue will submit their comments to that group. The group will use all of that comment to come out with a draft document that is then used as an interim draft till it is brought back to the conservation team at the next conservation team meeting for one final shot. Then it becomes an approved document. The working group will also bring back any substantive issues that have been raised with this approach or the information in it. So these decisions will be made through an open forum, and not by individuals or subsets of us. Everyone will have access to the information, and input into the decision.

There were no further comments or questions, we moved on to Item E.4.

E.4. Jaguar occurrence map

Bill Van Pelt explained what information was used in developing the map. He thanked individuals for sending information and asked people to continue sending information. Bill thought the map would be completed by the next meeting.

There were no further comments or questions, we moved on to Item E.5.

E.5. Handling of depredation funds

Terry summarized the information provided by Ed Sanchez. The Arizona Department of Agriculture could legally administer the jaguar depredation fund in Arizona. However, they would have to exact a fee which may not be allowed through this fund. The Malpai Borderlands Group, a private organization, is raising the funds under specific auspices which is to pay for jaguar depredation. It may not be legal for the Arizona Department of Agriculture to take fees for administering the fund. In summary, the Arizona Department of Agriculture position is, yes legally they could do it, but administratively they don't want to do it.

Comment (Terry): The other side of the issue in Arizona is the AGFD. We can't legally do it and we don't want to do it. We think the Malpai Borderlands Group is very capable and very interested in

maintaining control and responsibility for raising those funds and then dispersing them according to the protocol we establish here. There is also another alternative, if there are other organizations that want to raise money to pay for depredation compensation issues they would be able to establish a parallel fund similar to the Malpai group. Or perhaps they would choose to work with their State Department of Agriculture. I actually did not see a formal response from New Mexico. So we cannot answer that issue. So basically at this point, this issue seems to be best handled in the private sector, most efficiently and most effectively.

Comment (Steve Williams, ASLD) Just a comment Terry. At the last meeting, the Natural Resource Conservation Districts were suggested as a possible outlet for distribution of depredation funds. The ASLD administers the NRCD program. The administrator in our office said we do not have the ability to administer those funds.

Comment (Terry): The Natural Resource Conservation District that Ted Hagen is a member of has actually submitted a letter asking to become a signatory to the Jaguar Conservation Plan and we have accepted it. So we have another signatory to the yet as unsigned by the Service agreement.

Comment (Don Cullum): Ted is not here today but he brought that up in our meeting (New Mexico Cattle Growers) and agreed that Malpai could raise the money and distribute it. He brought up that if Malpai raises the money they should be able to distribute it.

There were no further comments or questions, we moved on to Item E.6.

E.6. Kill verification procedures

Warner named and thanked the people on the committee. He summarized the information sent to him by other team members. It was recommended that team members should be familiar with characteristics of other large predator kills such as lions, bears, jaguar, bobcats, and other predators. Malpai Borderlands Group has raised approximately \$6,000 for the depredation fund. A price list for livestock is being produced. It was recommended that if a kill is reported which is two or three weeks old, and one can't tell what did it, the rancher would be given the benefit of the doubt if there had been sign of a jaguar in the area.

Comment (Wendy Glenn): I think a lot of people kind of gasped at your repayment amounts. I don't know if they were high or low. We tried to figure the amount the animal was worth at sale time. A baby calf is not worth full amount at birth, but it would generate that for the rancher in the fall if it were sold.

Comment (Craig Miller, Defenders): If I might add something to the information we sent to Warner. Our depredation fund has been collected and used over the past 10 years. The key to the success of that program is to remain flexible in every aspect. Keep in mind that the object is to encourage all landowners/livestock owners to report any problems. If there is a dispute it should always go to the side of the owner. Try to resolve any problems you can. If you can't resolve it, go to the county extension office to resolve any particular loss you can't.

Comment (Warner): We would sure appreciate your help. Anybody else in here that would like to

have any input we would sure like it. I would like to say one thing Terry, if I could. The lady up for confirmation as USFWS Director right now is Jamie Clark. We received a copy of her speech, and it sounded good. She addressed some of the things we have been discussing. She said she would be really interested in working with private landowners and groups along with the federal agency to work out a way to work with them. From what we read it sounded real good. I sure appreciate seeing wording in the rule on ranch and dogs and think she will get a lot of cooperation.

Question (Judy Keeler) At the last meeting you had said you would only cover Arizona and New Mexico, will you cover Mexico?

Response (Warner): We will work in upper Sonora if we can go down there and verify the kill. But there is a limit to how far we can go. We haven't talk to anybody down there yet.

There were no further comments or questions and a 10 minute break was taken. Upon return we moved on to Item E.7.

E.7. Risk assessment of control efforts by APHIS-ADC

Steve Fairaizl summarized results of the ADC's risk assessment on their control efforts in jaguar habitat. The risk assessment showed ADC had no programs in Pima or Santa Cruz counties. In Cochise and Hidalgo counties, small ADC programs exist for the purpose of trying to resolve problems with coyotes and wild dogs and is done exclusively on private lands except in Hidalgo County, minor control occurs on BLM land. ADC operates only responding to a request for assistance. The first thing done is to get an agreement for control signed by a landowner. It is a one page agreement that outlines what will be done, where will it occur, and how will it be done. It specifically identifies a target animal and a piece of ground work on. For example in Cochise and Hidalgo counties, ADC actually works about two to three percent of the land under agreement for control. And of the two to three percent under control less than one percent is authorized for M44 usage. At this time, Steve described M44s and their use. In Arizona they are used only by ADC personnel. New Mexico does allow private applicator usage by individuals of M44s, provided they have gone through certification process. At the present, there are about six applicators in New Mexico, licensed to use M44s. No felids have been taken with M44s.

Question (Craig Miller, Defenders): I am curious. Did your assessment look at the potential impact of the livestock protection collar on the jaguar?

Response (Steve): That is an interesting question. He refers to a device called a livestock protection collar which is essentially a rubber collar placed around the neck of the calf or sheep. The collar itself has several compartments in them filled with a solution of 1080. 1080 is a toxicant used several years ago to do large scale predator work. The livestock protection collar designed to kill the animal that tries to attack that specific livestock. The animal goes for the throat of the and gets a mouth full of 1080. The livestock protection collar is not approved for use in Arizona.

Question (Steve, AZ ADC) Alan is it registered for use in New Mexico?

Response (Alan May, NM ADC): Yes, it is but we don't have any being used where the jaguar occurs.

Comment (Steve): As it stands right now, I just don't see the livestock protection collar as having any impact whatsoever on the jaguar. The way to prevent jaguars from being taken by the collars is simply not to use them in that area.

At this point, a discussion regarding the price of the collar and the primary use on coyotes occurred.

Question: Steve have you done any assessment on the jaguar's tendency to take down from the head versus lion's not doing that. Have you looked at those kinds of things? I've heard some biologist say jaguars often take carrion and move it.

Response (Steve): I've heard that story and it's a hard question to answer. Jaguar usage here is so new, we don't have any historical records to look at. No one in our program who worked with jaguars before is alive. So it is hard to go back and ask those questions.

Comment (Carlos Lopez): From the experience I have, you don't really hear of jaguar taking carrion. But I think it would be a small chance of getting an animal with poison or something like that. I think it would be really small.

Question (Mira Gault): Warner, you were mentioning about depredation of horses. What about human kills? I have heard about a rancher whose father was taken from off a horse and killed? I wonder if there is any truth to this.

Response (Bill Miller): I can comment on that. I flew Alan Rabinowitz and Peter Warren into Mexico to look at habitat. As we got into Mexico they lost us on the radar, so we had to come back into U.S. Customs and had to land at the international airport. Two customs agents came to the airplane and checked our paperwork. The man said his father was taken from horseback, so Peter got his name and Alan and him are going to research the account. There is no verification of it.

There were no further comments or questions, we moved on to Item E.9.

E.9. Increasing legal protection in Arizona

Terry once again summarized activities in Arizona to increase legal protection for jaguars through Title 17. Greg Schmitt had nothing new to add.

Question (Chas Erickson, AZ Cattle Growers): Do you have to open up Title 17 for this?

Response (Terry): Yes, for this we have to open up Title 17-314. The depredation issue in 17-239 was closed with the listing of the jaguar. The Commission was unanimous in its recommendation and I expect to see it supported.

There were no further comments or questions, we moved on to Item E.8.

E.8. Handling protocol

Mike Pruss explained the handling protocol, how to use it, and to send any additional comments within 30 days.

A discussion on handling permits occurred at this point. The Departments will investigate their options.

There were no further comments or questions, we moved on to Item F.

F. World Wide Web Page

AGFD has set up a jaguar page. Different cooperators also have jaguar pages and it was agreed upon to try and link the pages. Comments on the AGFD jaguar page need to go to Roberta Dobolek at (602) 789-3226. The jaguar page is found under the Department's home page www.azgfd.com

There were no further comments or questions, we moved on to Item G.

G. Other Business

Bill Van Pelt introduced Carlos Lopez and Dr. Raul Valdez. Carlos is currently working in Mexico on smaller cats and has assisted Brian Miller. Dr. Raul Valdez from New Mexico State University is proposing to begin jaguar distribution surveys in Mexico.

Raul wants to convene a meeting of all the jaguar experts in September 1998.

Terry asked for volunteers for the Education Subcommittee. Sue Krentz will chair the committee. The committee will be in charge of developing educational material.

There was a discussion regarding two Malapai Borderlands Group meetings in March 1996 and June 1997. The meetings were of a private nature and did not fall under FACA rules.

The next Jaguar meeting will be October 15 in Douglas, Arizona at 9:00 a.m. The meeting place will be the Cowbelles' Hall.

The meeting adjourned at 12:53 p.m. Bill Van Pelt showed the slides that were taken with the remote sensing cameras in the Peloncillo Mountains. There were approximately 65 people in attendance.

Attendance Roster

Terry Johnson	Arizona Game and Fish Department
Greg Schmitt	New Mexico Department of Game and Fish
Bill Van Pelt	Arizona Game and Fish Department
Bill Austin	U.S. Fish and Wildlife Service
Lynn Saline	Bureau of Land Management, Safford
Tammy Pike	Arizona Game and Fish Department
Carlos A. Lopez	Instituto de Ecologia
Gilbert Reeves	PFW, Southeast AZ Chapter
Les Thompson	Cochise County
J. L. (Jim) Tenney	Cochise County
Jack Childs	Depredation Subcommittee
Matt Colvin	Depredation Subcommittee
Raul Valdez	New Mexico State University
Dennis Vaughn	Phelps Dodge
Ron Olding	Arizona Game and Fish Department
Mike Pruss	Arizona Game and Fish Department
Tom Skinner	U.S. Forest Service
Alan May	New Mexico Animal Damage Control
Seth Hadley	Gray Ranch/Malpai Borderlands Group
Bill Miller	P.O. Canyon Ranch/Malpai Borderlands Group
John Cook	The Nature Conservancy
Bill McDonald	Rancher/Malpai Borderlands Group
Warner & Wendy Glenn	Rancher/Hunter/Malpai Borderlands Group
Larry Allen	U.S. Forest Service
Billy Pat and Bonnie McKinney	Texas Parks and Wildlife
Terry Frederick	Arizona Game and Fish Department
Kelly Cash	The Nature Conservancy
Michael Smith	Bureau of Indian Affairs
Bennett A. (Ben) Brown	Gray Ranch/Animas Foundation
Dan Fischer	Individual
Brandon Jones	Animal Damage Control
Jon Boren	New Mexico State University
Don Cullum	Rancher
Levi Klump	Hidalgo County Cattle Growers
Larry Rutherford	Hidalgo County
Craig Miller	Defenders of Wildlife
Jeff Williamson	The Phoenix Zoo
Mike Seidman	Individual
Sue Krentz	Rancher/AZ State Cowbelles
Judy Keeler	Bootheel Association
Walt Saenger	Chiricahua National Monument
Stephen Williams	Arizona State Land Department
Chas Erickson	Arizona Cattle Growers
Lee A. Benson	National Park Service

Paul Sawyer	Arizona Bureau of Land Management
Steve Spangle	U.S. Fish and Wildlife Service
Bill Merhege	New Mexico Bureau of Land Management
Diego Villalba	New Mexico State Land Office
Paul W. Pirtle	New Mexico Department of Game and Fish
David E. Brown	Individual
Patrick Finch	Individual
Steve Fairaizl	Arizona Animal Damage Control
Charles E. Seipal	SWCD-Hidalgo County Cooperative Extension
V. W. Howard, Jr.	New Mexico State University
Dave Hogan	Southwest Center for Biological Diversity
Rod Mondt	Wildlands Project
Jack Humphrey	Sky Island Alliance
Mira Gault	Rancher
Kelly Glenn-Kimbro	Rancher/Hunter